REMARKS

Claims 1-24 are pending in the present application. Claims 1, 16, and 17 are independent.

Allowable Subject Matter

Claims 7-15 and 19-22 are indicated as allowable and would be allowed if rewritten into independent form including the features of the base claim and any intervening claims. Because Applicant believes that all of the pending claims are in condition for allowance, such an amendment is not being submitted at this time.

Summary of Examiner Interview

Applicant appreciates the courtesies extended to his representative, Michael R. Cammarata, during the personal interview conducted on June 16, 2004. During this interview, the independent claims 1, 16, and 17 were discussed in relation to the primary art applied (Buzsaki). After explaining the inventive concept to Examiner Duncan, Applicant's representative then explained how the independent claims patentably define over the applied art. These arguments focused on Buzsaki's lack of a fault management table and the non-equivalence of Buzsaki's activities and system status with the claimed operating mode.

The Examiner counter-argued by stating that he is giving the term "operating mode" the broadest reasonable interpretation. Rather than belabor this point, a tentative agreement was reached on some amended claim language that further defines the independent claims so as to distinguish the claims from the Buzsaki reference. A further refinement of the agreed upon amendment is being submitted herewith.

Applicant specifically requests Examiner Duncan to make a final decision consistent with the tentative agreement reached during the personal interview. It was generally agreed that a further definition of the operating mode distinguishing it from system status would patentably define over the applied art. Applicant has done exactly this and has provided supplemental arguments below for the Examiner's further consideration. Thus, Applicant requests an early Notice of Allowance for this application consistent with the agreement reached during the interview.

Agreement was also reached with respect to the § 112, second paragraph rejection of claim 18. Examiner Duncan agreed that changing the word "substantial" in claim 18 to the word "normal" would remove the § 112 rejection. This amendment is presented above.

35 U.S.C. § 112, Second Paragraph Rejection

Claim 18 is rejected under 35 U.S.C. § 112, second paragraph. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Consistent with the agreement reached during the interview, claim 18 has been amended to change the term "substantial operation mode" to "normal operation mode." It is believed according to the discussion during the Examiner interview that this amendment would result in the withdrawal of the second paragraph rejection. Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph rejection.

Art Rejections

Claims 1, 3, 4, 5, 6, 16, 17, and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Buzsaki (USP 6,334,193). Furthermore, claims 2 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buzsaki in view of Batra (USP 5,673,386). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

As mentioned above and as thoroughly discussed during the Examiner interview, further defining the claimed operating mode in conjunction with the other features of the independent claims would patentably define over the art of record.

Specifically, it was agreed that further defining the operating mode as being independent of a current process being performed by the information processing system in conjunction with the other features of the independent claims would define patentable subject matter.

Even more specifically, Buzsaki does not disclose or suggest a fault management table that stores operation mode information indicating an operating mode of the information processing system and a type of default handling processing corresponding to the detected fault, the operation mode information being related with the type of fault handling fault processing. Buzsaki further fails to disclose or suggest the claimed fault handling facility as further recited in claim 1 which states that the fault handling facility obtains the type of fault handling processing corresponding to the operation mode information determined from the fault management table particularly in view of the above amendment which further defines the operating mode to be independent of a current process being performed by the information processing system. As further argued below, Buzsaki operates on an entirely different principle and does not disclose or suggest these features.

The following is an outline setting forth major differences between the claimed "operating mode" of the present invention and the "system status information" of Buzsaki.

The term "operating mode" according to the present invention refers to an operation specification for a system which is explicitly set in a computer system by a system administrator or by a fault handling system of an information processing system. A system administrator or fault handling system can change or alter the overall performance of an information processing system by changing the setting of the "operation mode." Thus, the "operation mode" is not determined passively, but is actively set so as to control the system operation. Particularly, the fault handling is altered according to the operation mode as more particularly set forth in the pending claims.

The term "system status information" as utilized by Buzsaki is simply status information that indicates an operating status of a computer system. On the other hand, the term "operation mode" of the present invention is a specification information in which a system administrator or fault handling system has explicitly set in overall system operation. Thus, the term "system status information" of the Buzsaki reference is not for controlling a system operation. In contrast, the "operation mode" of the presently claimed invention is set for controlling a system operation, particularly the fault handling processing, and thus by setting the operation mode the system performance can be changed even if the system status is unchanged.

Applicant has further distinguished the claimed invention from Buzsaki via the above amendments which further specify that the operating mode is independent of a current process being performed by the information processing system. Additional arguments regarding Buzsaki and Batra follow.

Buzsaki is directed to a method of implementing user-definable error handling processes. The problem identified in the conventional art by Buzsaki and which is addressed by his invention is that conventional systems do not allow the end-user to define a custom error handling routine. See column 1, lines 45-53.

To solve the problem, Buzsaki permits a user to define multiple custom error handling processes. Significantly, these custom error handling processes are associated with a particular error or activity (see column 1, lines 56-60). This is discussed in more detail in column 2, lines 57-62 which is quoted below as follows:

> "Based on various errors or other failures that may occur in a system, the end-user is able to associate a particular error handling process with each possible error or activity. An activity may by any process, procedure, command, instruction, function, or other operation that may be performed by a system."

In other words, Buzsaki determines which error handling process to utilize for the activity currently being performed by the computer system.

In contrast, the presently claimed invention utilizes the operational mode of an information handling system to determine which type of fault handling processing should be utilized to handle the error. More specifically, and as recited in claim 1, the invention uniquely defines a fault management table that stores operation mode information indicating an operating mode of the information processing system wherein the operating mode is independent of a current process being performed by the information processing system. This claimed fault management table further relates the operation mode to the type of fault handling processing system. Such a data relationship permits the fault handling facility to determine which type of fault handling processing should be utilized for a given operation mode.

It is asserted that Buzsaki does not disclose or suggest any such fault management table, particularly a fault management table that relates operation mode to the type of fault handling processing or which utilizes such a fault management table to obtain the type of fault handling processing that corresponds to the operation mode of the information handling system.

Clearly, Buzsaki relies upon the activity (process, procedure, command, instruction, function or other operation that may be performed by the system) currently being executed to determine a particular error handling process that should be utilized to correct the error. Such "activities" are essentially the current

process being performed by the computer which is a distinct concept from the operation mode disclosed and claimed by the present invention particularly in view of the above amendments. Indeed, further defining the current process being performed by the information processing system (as amended above) provides an even more distinct and patentable claimed invention that simply cannot be taught or suggested by Buzsaki.

As further disclosed in Buzsaki, if multiple error handling processes are associated with a given activity, then Buzsaki then relies upon certain "parameters" and "attributes" to determine which of these multiple error handling processes should be utilized for the associated activity. In other words, if and only if a particular activity (not an operation mode as claimed, particularly as amended) results in a choice of multiple error handling processes then Buzsaki utilizes certain parameters and attributes to determine the optimum error handling process.

These "parameters" and "attributes" and Buzsaki's process are discussed in column 4, lines 28-40 which further describes the parameters and attributes as time of day and system utilization. Even if these time of day and system utilization parameters and attributes are considered to be operational modes (which they clearly are not particularly in view of the amendments above) these parameters and attributes are only utilized after Buzsaki determines that there is a choice of multiple error handling

processes and the initial choice is based upon the current activity of the computer.

In other words, Buzsaki essentially discloses a two step process the first step of which relies upon the current computer activity to determine which error handling process to utilize. If the result of this first step is a choice between multiple error handling procedures, then time of day and system utilization type parameters or attributes are utilized to choose between the choices from the first step. In any case, the activity, parameters, or attributes are not equivalent to and do not disclose or suggest an operation mode for an information handling system, particularly as that term is used and defined in the present invention.

Buzsaki further discusses this second step (implemented by process engine 110) as being capable of selecting among multiple error handling processes "associated with a particular activity when an error occurs executing that activity." (column 5, lines 55-57). This quotation makes it extremely clear that Buzsaki's activity is the particular software process or module being executed by the computer system. An error in the activity (software process) will determine which error handling process to utilize. This is quite a distinct concept from the present invention which utilizes the overall operational mode of the information handling system to determine the type of fault handling process to utilize to handle the error and the fault wherein the operating mode is

independent of a current process being performed by the information processing system.

Buzsaki may also determine that there is a choice of error handling processes associated with a particular activity (software process). If so, then Buzsaki also looks to certain error handling parameters such as the activity generating the error, the instance of the process that generated the error, the name or identifier of the error that occurred, the identity of a person to notify, and the list of system status information at the time the error occurred. (Column 6, lines 1-5). All of these error handling parameters relate to the particular activity (not operational mode) of the computer. As such, Buzsaki does not disclose or suggest using an operation mode (which is independent of a current process being performed by the information processing system) of an information handling system to choose between various types of fault handling processing to handle the fault.

Furthermore, the inventive method recited in independent claim 16 is also patentably distinct form the applied art. For example, none of the applied art discloses or suggests defining operation mode information indicating an operating mode of an information processing system wherein the operating mode is independent of a current process being performed by the information processing system. The concept of operating mode particularly as amended is simply absent from Buzsaki or Batra, taken alone or in combination.

Furthermore, none of the applied art discloses or suggests storing the operation mode information and the type of fault handling processing *with the operation mode information being related with the type of fault handling processing*. Because the concept of operation mode is absent from the applied art and because there is no data relation between operating mode and type of fault handling processing found or suggested in any of the applied art, the combination of these references must fail.

Still further, none of the applied art discloses or suggests determining the type of fault handling processing corresponding to the operation mode information obtained as still further recited in independent claim 16.

As noted above, none of the applied art discloses or suggests the claim features specifically pointed out above. Although the arguments above primarily focus on Buzsaki, Applicant also asserts that Batra does not remedy any of the noted deficiencies in Buzsaki. Indeed, Batra is merely applied to teach that error handling parameters may include fault class information indicating a degree of seriousness of the fault. Operational mode is not disclosed or suggested by Batra and there is not relating of operation mode to a type of fault handling processing, particularly as recited in independent claims 1 and 16. Because none of the applied art teaches or suggests the features pointed out above, the

combination of the two patents also does not disclose or suggest the claimed invention.

For all of the above reasons, taken alone or in combination, Applicant respectfully requests reconsideration and withdrawal of the art rejection.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata (Reg. No. 39,491) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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